

REMARKS

Claims 1-15 are pending in this application.

The Office Action dated September 22, 2004, has been received and carefully reviewed. In this Office Action, it is asserted that claims 1-14 define three independent or distinct inventions. MPEP 803 provides that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." There are three ways an examiner can make a *prima facie* showing of a serious burden. These are listed at MPEP 808.02, which provides that when related inventions are distinct, "the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) Separate classification thereof ... (B) A separate status in the art when they are classifiable together ... (C) A different field of search." It is respectfully submitted that none of these three *prima facie* showings have been made in the present case. As further provided by MPEP 808.02, "where, however, the classification is the same and the field of search is the same and there is no clear indication of separate further classification and field of search, no reasons exist for dividing among related inventions." The examination of claims 1-15 is therefore respectfully requested.

The Office Action alleges that inventions I (claims 1-5) and II

(claims 6-9 and 14) are separately classified. Specifically, it is alleged that invention I is classified in class 422, subclass 172 and that invention II is classified in class 422, subclass 177. However, as shown by the enclosed copy of the examiner's search notes from this application, the initial search of original claim 1 was carried out in class 422, subclasses 168-173 and 177. Thus Invention II requires merely a search of one of the subclasses already searched in this application. It is submitted that because Invention II is classified in one of the subclasses already searched in connection with the search of Invention I, a separate classification has not been shown and a *prima facie* showing of a substantial burden has not been established.

The Office Action asserts that Invention III is distinct from inventions I and II because the apparatus as claimed can be used to practice another and materially different process. It is asserted that the apparatus can be used to "manufacture a chemical compound." This statement is unsupported by the record. No logical reason has been provided to show that a "NOx removal system for boilers" or a boiler comprising a NOx removal system can be used to manufacture a chemical compound. It is therefore respectfully submitted that a *prima facie* showing in support of the restriction requirement has not been made.

No explanation has been provided as to how the inventions are separately classified, or have acquired a separate status in the art

or require a different field of search has been provided. No serious burden will be imposed if the examiner is required to examine claims 1-15 together in a single application, and it is respectfully requested that the restriction requirement be withdrawn.

Claims 1-5 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. By the above amendment, claim 1 has been amended to recite "a" flue in stead of "the" flue to address this issue.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Peter-Hoblyn. Claim 1 requires ammonia jet nozzles disposed on a gas passage of a boiler. The Office Action asserts that Peter-Hoblyn shows ammonia jet nozzles disposed on a gas passage 20 of a boiler. It is noted however, that gas passage 20 is not a gas passage of a boiler as required by claim 1. Claim 1 further requires ammonia generating means disposed in a flue. Peter-Hoblyn shows ammonia generating means disposed in passage 20 which the examiner alleges to be a gas passage of a boiler. Under this interpretation, Peter-Hoblyn shows ammonia generating means and ammonia jet nozzles in the same passage rather than ammonia jet nozzles in a gas passage of a boiler and ammonia generating means disposed within a flue as required by claim 1. Peter-Hoblyn does not show each element required by claim 1 and claim 1 is submitted to be allowable for this reason.

Claims 2-5 depend from claim 1 and are therefore submitted to be allowable for the same reasons as claim 1. In addition, Claim 4 requires at least one pipe connected between the ammonia generating means disposed in a gas passage of a boiler and the ammonia jet nozzles. Peter-Hoblyn does not show a pipe connected between ammonia generating means disposed within a gas passage and ammonia jet nozzles. Claim 4 is submitted to be allowable for this reason as well.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Peter-Hoblyn. Claim 5 depends from claim 4 and is therefore submitted to be allowable for the same reasons as claim 4. In addition, claim 5 requires that the at least one pipe of claim 4 be disposed within the gas passage. Peter-Hoblyn does not show at least one pipe connected between the ammonia generating means and the ammonia jet nozzles, much less at least one pipe connected between ammonia generating means and ammonia jet nozzles disposed within the gas passage as required by claim 5. Claim 5 is therefore submitted to be allowable over the art of record.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Peter-Hoblyn in view of Kim. The Office Action acknowledges that Peter-Hoblyn does not show or suggest ammonia generating means comprising a screw member. Kim is cited to show a screw member. However, Kim is not a device for reducing NOx and does not include ammonia generating means, much less ammonia

generating means comprising a screw member. Screws 17 and 83 in Kim are used to move elements back and forth along a passageway but play no role in generating ammonia or reducing NOx. There is no motivation identified to combine these diverse references which are directed to different problems. Even if the references are somehow combined, they will not produce a NOx removal system for boilers including ammonia generating means comprising a screw member as required by claim 1. Claim 1 is submitted to patentably distinguish over the art of record for at least this reason.

By the above amendment, the word "the" has been changed to "a" in claim 1 in response to a Section 112, second paragraph rejection. No other changes to the claims have been made. It is therefore respectfully submitted that no new issues that would require a further search have been raised by the above amendment. The entry of the above amendment will place the application in condition for allowance or in better condition for appeal. The entry of this amendments and allowance of claims 1-15 is therefore earnestly solicited.

#### Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview


in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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1921-0134P